

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for indicating that the drawings filed on September 18, 2003 are accepted, for indicating that claims 5, 6, and 18-22 contain allowable subject matter, and for carefully considering this application.

Power of Attorney

Applicant is filing a Revocation and Substitution of Power of Attorney ("Revocation"), which associates this application to customer number 32615, contemporaneously with this response. As requested in the Revocation, Applicant requests that all future correspondence be sent to the address associated with customer number 32615 and listed on the Revocation.

Disposition of Claims

Claims 1-25 are pending in the present application. Claims 5 and 24 are canceled without prejudice or disclaimer. New claims 26 and 27 are added. Claims 1, 18, 23, and 25 are independent. The remaining claims depend, directly or indirectly, from claims 1 and 18.

Claim Amendments

Claims 1, 15, 23, 24, and 25 are amended to include the allowable subject matter of canceled claim 5. Allowable claim 18 is amended to be rewritten in independent form including all of the limitations of the base claim 1 and further amended to address an informality noted by the Examiner. Finally, claims 6 and 19 are amended to correct

antecedent basis issues, while claim 15 is amended to correct a typographical error. No new matter has been added by way of these amendments.

Amendments to the Specification

The specification is amended to remove the reference to “carrier waves” with regards to computer readable medium on pages 13 and 14. No new subject matter has been added by way of this amendment.

Claim Objections

Claim 18 is objected to for including a typographical error. Claim 18 is amended to correct the typographical error noted by the Examiner. Thus, this objection is now moot. Accordingly, withdrawal of this objection is requested.

Double Patenting Rejections

Claims 1-4 and 14-17 are provisionally rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 20-22 and 31-34 of co-pending Application No. 10/665,386. This rejection is now moot. Specifically, claim 1 has been amended to include all the limitations of allowed independent claim 5, which is not provisionally rejected, and is therefore allowable. Claims 2-4 and 14-17 depend either directly, or indirectly, from claim 1 and are allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Rejection(s) under 35 U.S.C. § 101

Claim 25 stands rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Specifically, the computer readable medium is described in the specification as including “communications media ...[e.g.] carrier wave” which allegedly does not fall within one of the four statutory classes of an invention. Applicant has amended the specification to remove the reference to the “communications media” with regard to computer readable medium on pages 13 and 14 of the Instant Specification. Therefore, claim 25 as amended is directed toward statutory subject matter under 35 U.S.C. §101. Accordingly, withdrawal of this rejection is respectfully requested.

Rejection(s) under 35 U.S.C. § 102

Claims 1-3, 7-13, 23, and 24 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,638,445 (hereinafter referred to as “Spelman”): Claim 24 is canceled. Thus, the rejection is now moot with respect to canceled claim 24. Further, claim 1 has been amended to include all the limitations of allowed independent claim 5. Independent claims 23 and 24 have been amended to include similar limitations and are allowable for at least the same reasons. Claims 2-3 and 7-13 depend either directly, or indirectly, from claim 1 and are allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

New Claims

New dependent claims 26 and 27 are added by this reply. Support for new dependent claims 26 and 27 may be found, for example, in pages 3-5 of the specification. New dependent claims 26 and 27 depend either directly, or indirectly, from independent claim 18 and, thus, are patentable for at least the same reasons.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and place this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 33227/009001; P7898).

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Respectfully submitted,

By 

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